



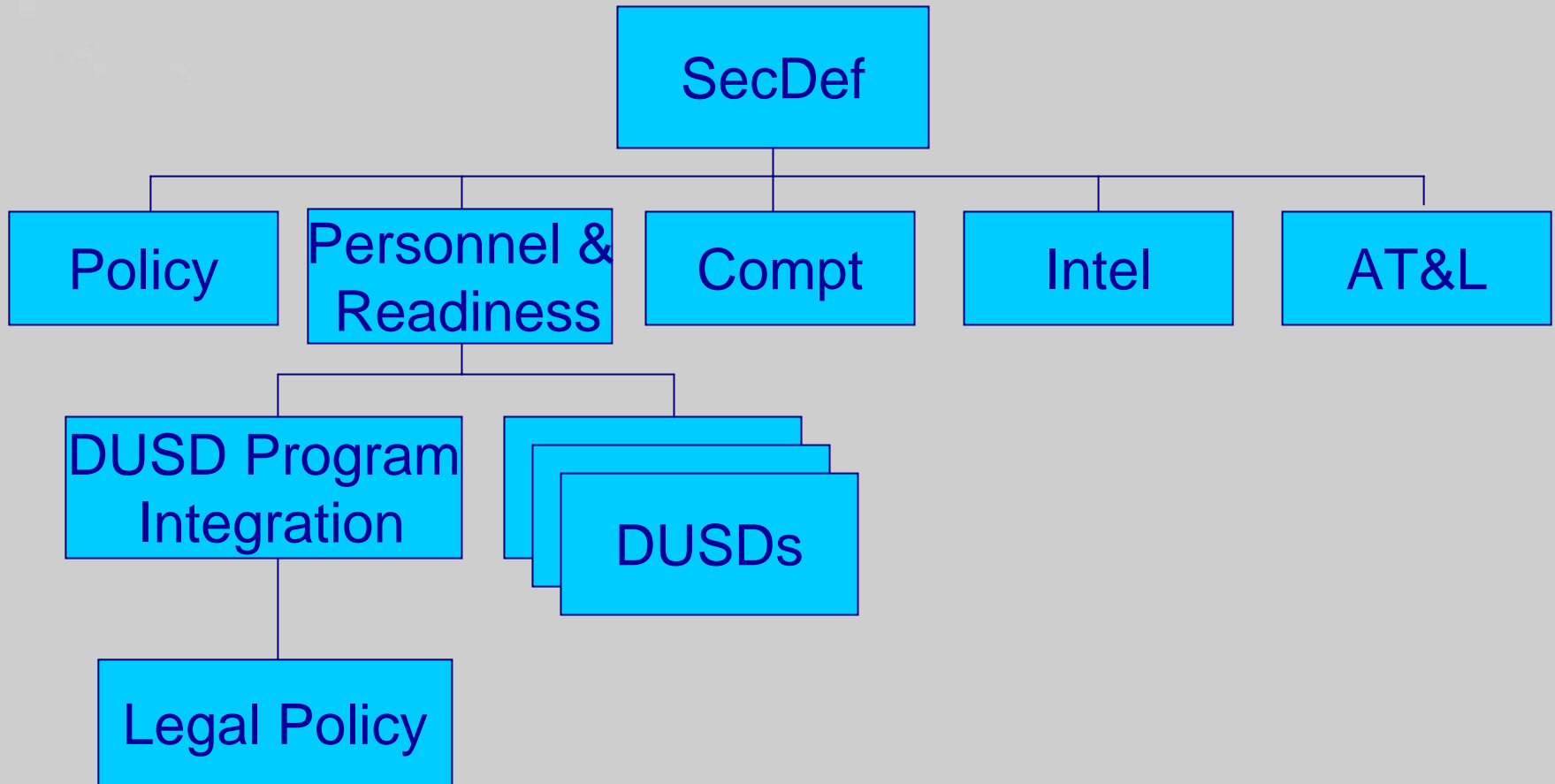
Political Activities

COL Christopher Garcia
Office of Under Secretary of
Defense for Personnel & Readiness
Office of Legal Policy

Tab O



OSD Office of Legal Policy





Office of Legal Policy Areas of Responsibility

- **Political Activities**
- **Corrections**
- **Servicemembers Civil Relief Act**
- **Legal Assistance**
- **Victim Witness Assistance**
- **Defense Incident Based Reporting System**
- **Boards for Correction of Military Records**
- **& 10 other listed areas**



Analyzing the problem

- **Political activities by military personnel**
- **Political activities by civilian employees**
- **Political activities on military installations**
- **Lobbying**



Key references

- **Political activities by military personnel**
 - **DoD Dir 1344.10, *Political Activities by Members of the Armed Forces on Active Duty*, August 2, 2004**
- **Political activities by civilian employees**
 - **DepSecDef memo, subject: *Civilian Employees' Participation in Political Activities*, May 31, 2006**
- **Political activities on military installations**
 - **SecDef message 072107Z JUN 06, *DoD Public Affairs Policy Guidance Concerning Political Campaigns and Elections***
- **Lobbying**
 - **18 USC § 1913**

O-1 & O-2



Civilian & statutory control of a limited military

- “. . . the traditional concept that Service members should not engage in partisan political activities”
- Seems axiomatic to us
- Not so in many other countries



Political Activities by Military Members

- Spirit and intent of DoDD 1344.10 prohibits any activity that may be viewed as directly or indirectly associating DoD with partisan politics
- “Any activity that may be viewed as associating the Department of Defense . . . or any component . . . directly or indirectly with a partisan political activity shall be avoided.”

DoDD 1344.10, para E3.4



Additional requirements

- **Give full time and attention to the performance of military duties**
- **Avoid outside activities prejudicial to good order and discipline, or likely to bring discredit on Armed Forces**
- **Appropriate wear of military uniform**



Military members: what's permitted

- Limited “private citizen” standard
 - Register to vote and vote
 - Encourage others to participate in political process
 - Express purely personal opinions (*caution*)
 - Join a political club
 - Attend meetings, rallies as spectator
 - Give money to political organizations
 - Personal letters to editor (*caution*)
 - Normal bumper stickers

O-3 & O-4



Military members: what's not



Military members: what's not



Source: Larimer County (CO) Republican Party website



Military members: what's not

- No official influence
- No campaigning
 - Cannot be candidate or nominee
- No participation in partisan political campaigns, speeches, articles
 - Even in “private” capacity
 - Or as “honoree”
- No large signs or posters on POVs

O-4 & O-5



Military members: public office

- Generally, may not hold or exercise federal, state, or local civil office
- Reserve member ordered to AD for 270 days or less: limited exception
 - Still subject to noninterference
- Reserve member on AD for 271 days or more
 - May not hold certain federal office
 - May hold state office but may not exercise functions
- Must read regulation



Civilian employees

- **Note: different rules for SESs, political appointees, employees of intelligence agencies**
- **Most civilian employees: rules somewhat more relaxed than for military**



Civilian employees

- Fairly broad latitude in non-partisan activities (civic, community, social, labor, or professional organizations)
- May express opinions on political subjects
- No compromise in efficiency or integrity of employee or agency



Civilian employees

- May participate in political organizations
 - As officer
 - Nominating causes
 - Help organize
 - Participate in conventions or rallies



Civilian employees

- **May participate in political campaigns**
 - Canvass voters
 - Endorse candidates (in private capacity)
 - Address convention, rally, or caucus
 - Manage campaigns
 - Participate in election process



Civilian employees: what's *not* permitted

- Run for partisan office
- Use official authority to interfere
- Use official authority or title to fundraise
- Personally solicit political contributions
- Political activity while on duty, while in Federal workplace, while wearing insignia, or while using government resources



DoD Facilities

- Command newspapers – no campaign news, discussions, cartoons, editorials
- No use of installation or facilities by candidates for political activities
 - *Just say no to press participation*
- No support for off-post events

O-9 & O-10



Seeking exception?

- What do you want to do?
- Why is it in the (command's) (service's) best interest to do so?
- Would you still be recommending it if all the players and parties were different?

OOE



Short version

- DoD Dir 1344.10: **August 2, 2004**
- “Any activity that may be viewed as associating the Department of Defense . . . or any component . . . directly or indirectly with a partisan political activity shall be avoided.”
- Give full time and attention to performance of official duties
- No political activity while on duty, while in Federal workplace, while wearing insignia or uniform, or use of government resources